

## Message Text

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ACTION IO-13

INFO OCT-01 AF-08 ARA-06 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 DHA-02 HEW-04 AID-05 ORM-02 TRSE-00 EA-07

EUR-12 NEA-10 /116 W

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R 062139Z AUG 76

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 0733

INFO USMISSION USUN

USMISSION GENEVA

AMEMBASSY MEXICO

AMEMBASSY MONROVIA

C O N F I D E N T I A L SANTIAGO 7659

EO 11652: GDS

TAGS: UNGA, EAID, XM

SUBJECT: MULTILATERAL AFFAIRS: HUMAN RIGHTS PROCEDURES IN THE UN

REFS: (A) SANTIAGO 7523 (B) GENEVA 6328

1. I WELCOME MY COLLEAGUE AMBASSADOR CARTER'S PARTICIPATION  
IN THE CONSIDERATION OF WAYS TO ADVANCE OUR COMMON OBJECTIVE:  
TO INCREASE THE EFFECTIVENESS OF UN HUMAN RIGHTS PROCEDURES.

2. AMBASSADOR CARTER IS OF COURSE QUITE CORRECT IN CITING THE  
PROVISIONS OF ECOSOC RESOLUTION 1503 AS A MODEL FOR THE  
PROCEDURES OF UN BODIES DEALING WITH HUMAN RIGHTS COMMUNICATIONS.  
ALTHOUGH I AM A BIT RUSTY NOW ON MY UN METHODOLOGY, IT IS MY  
IMPRESSION THAT SUCH COMMUNICATIONS ARE NORMALLY HANDLED ON  
A QUIET, NON-CONTROVERSIAL BASIS DESIGNED -- IN THE CLASSICAL  
MANNER -- TO PROVIDE GENTLE SUASION TO COUNTRIES ACCUSED OF  
SPECIFIC VIOLATIONS OF THE RIGHTS OF INDIVIDUALS AND GROUPS.  
UNDER THE RESOLUTION, AS AMBASSADOR CARTER NOTES, INVESTIGATION  
BY AN AD HOC COMMITTEE CAN BE UNDERTAKEN ONLY WITH THE CONSENT  
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OF THE NATION CONCERNED AND IN COOPERATION WITH IT.

3. THE CHILEAN CASE SEEMS TO ME TO BE QUITE A DIFFERENT MATTER. THE CHILE WORKING GROUP HAS ITS SOURCE IN RESOLUTIONS OF THE GENERAL ASSEMBLY, THE HUMAN RIGHTS COMMISSION AND ITS SUBCOMMISSION, REFLECTING THE CONCERN OF THE INTERNATIONAL COMMUNITY REGARDING MASSIVE HUMAN RIGHTS VIOLATIONS IN CHILE.

4. AMBASSADOR CARTER'S REFERENCE TO RESOLUTION 1503 IMPELLED ME TO LOOK BACK AT THE FIRST PROGRESS REPORT OF THE AD HOC UNHRC WORKING GROUP ON CHILE DATED SEPTEMBER 4, 1975 (DOCUMENT A/10285). AT THAT STAGE IN THE PROCEEDINGS, THE CHILEAN GOVERNMENT HAD PROPOSED THAT RESOLUTION 1503 SHOULD BE THE BASIS FOR THE HANDLING OF COMMUNICATIONS OR INDIVIDUAL COMPLAINTS (CF. ANNEX 3, DOCUMENT A/10285). BUT FROM PARAGRAPH 28 OF THE REPORT IT IS CLEAR THAT THE WORKING GROUP REFUSED TO APPLY RESOLUTION 1503, EXPLAINING THAT THE MANDATE OF THE WORKING GROUP WAS NOT DERIVED FROM PROCEDURAL HUMAN RIGHTS RESOLUTIONS BUT FROM SPECIAL DECISIONS OF COMPETENT UN ORGANS.

5. AS I SEE IT, THE POINT IS THAT WITH THE CREATION OF THE CHILE WORKING GROUP THE UN BEGAN TO BREAK NEW GROUND IN THE HUMAN RIGHTS ACTIVITIES OF THE ORGANIZATION. AT LEAST ORIGINALLY -- WHILE THE CHILEAN GOVERNMENT WAS STILL PREPARED TO RECEIVE THE GROUP IN CHILE -- WE COULD FORESEE THE POSSIBILITY OF GREATLY INCREASING THE EFFECTIVENESS OF SUCH ACTIVITIES. THROUGH WHAT I CONCEIVE TO BE A MAJOR BLUNDER, THE GOC ENDED THAT PHASE OF THE OPERATION BY ITS SUDDEN DECISION NOT TO ALLOW THE GROUP TO COME TO CHILE. NEVERTHELESS, THE EXERCISE STILL HAS A VERY PERCEPTIBLE EFFECT.

6. PERSONALLY I WOULD AGREE WITH THE WORKING GROUP THAT THE PROVISIONS OF RESOLUTION 1503 ARE NOT SUITABLE FOR THE PANORAMIC TYPE OF SURVEY WHICH THE GROUP HAS BEEN CONDUCTING UNDER ITS MANDATE. ALL I AM SAYING IS THAT THE POSSIBILITY OF PRODUCING ULTIMATELY FRUITFUL RESULTS, AND OF ESTABLISHING FRUITFUL PRECEDENTS FOR FUTURE INVESTIAGIONS, WILL BE ENHANCED IF SOME BASIC STEPS ARE TAKEN TO PROTECT THE WORKING GROUP AGAINST CHARGES OF UNDUE BIAS. SINCE RESOLUTION 1503 DOES NOT APPLY, WE NEED SOMETHING ELSE TO TAKE ITS PLACE.

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## Message Attributes

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